

UTILITY PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Alexander S. KOZLOV	Group Art Unit:	1753
Serial No.:	10/753,675	Examiner:	H. D. Wilkins III
Filed:	January 7, 2004	Confirmation No.:	1132
For:	PLATINUM ALUMINIDE COATING AND METHOD THEREOF		
Docket No.:	H0005756		
Customer No.:	000128		

SECOND RENEWED PETITION UNDER 37 C.F.R. §1.47

Office of Petitions
EXAMINER Paul SHANOSKI
Washington, D.C. 22031

Commissioner:

In accordance with the provisions of 37 C.F.R. 1.47(a), applicants Derek Raybould, Siu-Ching Lui, and Thomas E. Strangman, through their attorney, hereby renew their petition to file the above identified application without the Declaration of joint inventor Mr. Alexander S. Kozlov on account of Mr. Kozlov's being deceased and the unavailability of any of his surviving heirs to execute a Declaration in the application. A petition for a three-month extension and appropriate fees also accompany this second renewed petition.

This second renewed petition responds to a Decision on Renewed Petition mailed on November 7, 2008 ("Decision on Renewed Petition") in which an original petition filed on June 18, 2008 ("Original Petition") was allegedly deemed defective in a Decision on Petition mailed August 14, 2008 ("Decision on Petition") and in which a renewed petition filed on October 14, 2008 ("Renewed Petition") in response to the Decision on Petition was allegedly defective.

The Decision alleges that 1) Petitioner "has now asserted that the legal representative of the non-signing joint inventor cannot be located" and that 2) the petition is "silent as to any search that might have been performed for the legal representative of the non-signing joint inventor." Although the Petitioner disagrees with the Decision's

allegations and submits that at the time of the previously-filed petitions the Petitioner had always asserted that the legal representative was unavailable, these arguments and responses are now moot, as the Petitioner has located the previously unavailable legal representative and has obtained an executed Declaration from the legal representative. The executed Declaration is being filed concurrently with this paper.

Favorable consideration of the present petition is respectfully requested.

Respectfully submitted,
INGRASSIA FISHER & LORENZ

Dated: April 3, 2009

By: /CINDY H. KWACALA/
Cindy H. Kwacala
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(480) 385-5060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alexander S. KOZLOV Group Art Unit: 1742
Serial No.: 10/753,675 Examiner: H. D. Wilkins III
Filed: January 7, 2004 Confirmation No.: 1132
For: PLATINUM ALUMINIDE COATING AND METHOD THEREOF
Docket No.: H0005756
Customer No.: 00128

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This is a response to a Notice of Abandonment dated January 22, 2009. The Notice of Abandonment alleges that the applicant failed to timely file a proper reply to an Office letter mailed on November 7, 2008. However, the Applicants disagree.

Page 3 of the Office letter clearly states: “Any renewed petition must be submitted within TWO MONTHS from the mail date of this decision. Extensions of time under 37. C.F.R. 1.136(a) are permitted (Emphasis added).” Under 37 C.F.R. 1.136(a), petitions for extensions may be submitted to request up to three additional months of time for response. Thus, because the mail date of the Office letter is November 7, 2008 and five months (including petitions for extensions) are allowed for responding to the November 7, 2008 letter, abandonment will not occur until April 7, 2009. Therefore, as the full time period set for responding to the November 7, 2008 letter (two months + three months) has not expired and the Applicant has submitted a renewed petition before the expiration date of the full time period for response, the application has not been abandoned. Accordingly, the Applicants respectfully request withdrawal of the holding of abandonment.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

INGRASSIA FISHER & LORENZ

Dated: April 3, 2009

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